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April 9, 2014

VIA ECF and REGULAR MAIL

Honorable Joanna Seybert
United States District Judge
United States District Court for the
Eastern District of New York
P.O. Box 9014
100 Federal Plaza
Central Islip, New York 11722-9014

Re: United States v. Nassau County, et al.
Civil Action No. 77-CV-1881

Your Honor:

Please allow this correspondence to serve as a request to extend the Nassau County Police Officer List No. 7000 ("Current Police Officer List"), which expires April 14, 2014, pursuant to your order dated March 27, 2014 (DE 497), until May 5, 2014, or the date on which a new eligible list is established, whichever event occurs first. Prior requests for two (2) six month extensions to the Current Police Officer List were granted on March 28, 2013 (DE 493), and September 30, 2013 (DE 495). Please also allow this correspondence to serve as a request to extend the Nassau County Police Sergeant List No. 8034 ("Current Sergeant List") (together with the Current Police Officer List, the "Current Lists"), which expires on April 20, 2014. One prior request for a six (6) month extension to the Current Sergeant List was granted on September 30, 2013 (DE 495).

As noted in our earlier correspondence, dated March 26, 2014, the within request relates to the ongoing negotiations between the County, the Police Benevolent Association ("PBA"), the Superior Officers Association ("SOA"), and the Detectives Association Incorporated ("DAI") (collectively the "Unions"), and the Nassau County Interim Finance Authority ("NIFA") with

respect to the lifting of the wage freeze imposed by NIFA on March 10, 2014. These negotiations resulted in the County entering into individual agreements with the Unions, which were approved by the County Legislature Monday evening, April 7, 2014. While the agreements have been ratified by the individual Unions and the County Legislature, NIFA has indicated that it will not be approving the agreements before the current expiration date for the Current List, however we anticipate NIFA review by the end of this month.

I am mindful of the peculiar nature of this request, inasmuch as Your Honor entered an order less than two-weeks ago extending the Current Police Officer List and was advised that PBA would not consent to any further extensions. At the time of that order, however, the County and PBA fully expected the agreements to be approved by the County Legislature and NIFA prior to April 14. However, due to the fluid nature of the ratification process, the landscape has changed since our last request and the only remaining body that still needs to consider the agreements at this time is NIFA. Accordingly, the relief requested herein is necessary to ensure that the County will be able to hire a new class of Police Officers, and promote Sergeants, as soon as the agreements are approved.

It is important to note the operational and financial impacts associated with hiring off of the Current Police Officer List. From an operational standpoint, if we are unable to hire due to the expiration of the Current Police Officer List, we will not be in a position to hire from the new list until at least October in order to complete the processing and background checks for a new class. Furthermore, it would be an additional six (6) months minimum to get them through the Academy, which would not be until April 2015. To date, half of the Department members are eligible to retire. To date, we are at the lowest sworn headcount in decades. Therefore, it is a matter of public safety that the County is in a position to hire as imminently as possible.

From a financial standpoint, the Department has invested a total of over four million dollars in processing the applicants who are ready to be hired or promoted off of the Current Lists. Therefore, it would be an enormous loss of resources should the Lists expire before the County is in a position to hire. Additionally, hiring a new class within the next few weeks will potentially offset overtime expenses in the last months of this year. It is respectfully submitted that as a matter of public safety, as well as financially, it is most prudent to see the Current Lists through with the NIFA vote.

For these reasons, we request the Current Police Officer List and Current Sergeant List both be extended until May 5, 2014.

Finally, as with the earlier request for an extension, Tatum J. Fox, Attorney for the Nassau County Police Department, has noticed AUSA Clare Geller from the Department of Justice, Seth Greenberg, counsel to the PBA, Brian Hoesl, President of the SOA, and Detective Glenn Ciccone, President of the DAI, of this application. Ms. Fox has been advised that I may represent that AUSA Geller, SOA, and DAI do not oppose the County's application for these extensions, and that under the circumstances the PBA does not take a position with respect to this request for a final extension of the Current List.

Relief Requested:

Accordingly, based upon the notice provided to all parties and consistent with the Consent Decree, it is respectfully requested that the Current Lists be extended until May 5, 2014, or the date on which a new class is hired and a new List is established, whichever occurs first.

A proposed Order is attached hereto for your consideration.

Should the Court require any additional information, please contact the undersigned at (516) 571-3076.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Carnell T. Foskey'.

Carnell T. Foskey
Nassau County Attorney

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